

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1629

IN THE MATTER OF:

Application of BILL'S BUS SERVICE,)	Served November 24, 1976
INC., for Temporary Authority to)	
Perform Special Operations <u>1</u> /)	Application No. 897
)	
Application of BILL'S BUS SERVICE,)	Application No. 898
INC., for Certificate of Public)	
Convenience and Necessity to)	Consolidated
Perform Special Operations <u>1</u> /)	Docket No. 333

By Application No. 897, filed December 18, 1975, Bill's Bus Service, Inc. (Bill's), sought temporary authority to transport passengers and their baggage, over a described regular route, at per capita fares, between Pomonkey (Charles County), Md., and the Naval Research Laboratory, Washington, D. C. That application was granted by Order No. 1576, served June 30, 1976, and Bill's is now operating pursuant to such temporary authority which is scheduled to remain in effect through Tuesday, January 4, 1977.

By Application No. 898, also filed December 18, 1975, as supplemented, Bill's seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform that service described above over the following route:

1/ At the time the above-referenced applications were filed, Bill's Bus Service had not yet been issued a corporate charter. The titles of these proceedings have been revised to reflect applicant's subsequently approved corporate name.

From Pomonkey over Maryland Highway 227 to junction Maryland Highway 225, thence over Maryland Highway 225 to junction Maryland Highway 210, thence over Maryland Highway 210 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 295, thence over Interstate Highway 295 to the Naval Research Laboratory, and return over the same route.

Bill's would transport primarily employees of the Naval Research Laboratory and proposes stops at Pomfret Estates on Maryland Highway 227 (Charles County), the intersection of Maryland Highways 227 and 225 (Charles County), Accokeek (Prince George's County), Fort Washington Shopping Center (Prince George's County), and the ABC Drive-In on Maryland Highway 210 (Prince George's County). ^{2/} Per capita fares, as pertinent, would be \$20 for a ten-day, round-trip pass from and to Accokeek, and \$10 for a similar pass from and to the remaining stops in Prince George's County. Riders traveling in only one direction on a particular day may pay a corresponding cash fare of \$1 or \$.50, respectively.

Bill's will perform the service in a 1966 school bus capable of accommodating 40 passengers. It owns two such vehicles, one of which is utilized as a back-up unit. Applicant employs appropriately licensed drivers at an established per diem rate. Bill's submitted financial data setting forth its income and expenses for the months of January through July, 1976, and projecting revenue and revenue deductions over a one year period. During the above-referenced six month period, Bill's suffered an operating loss of \$3,398, and applicant projects an annual loss

^{2/} As set forth in Order No. 1576, the Compact, Title II, Article XII, Section 1(a)(4) confers jurisdiction of the proposed transportation service in this Commission. However, such jurisdiction extends only to the operations performed between points in Prince George's County, Md., and the Naval Research Laboratory. Applicant has obtained temporary authority from the Interstate Commerce Commission for the Charles County, Md., part of the service, and has also applied for corresponding permanent authority from the ICC.

of \$2,634 without allowance for depreciation. Projected income assumed an average daily ridership of from 15 to passengers. Applicant hopes to generate additional revenue by conducting intrastate charter operations in Maryland and asserts that it has obtained appropriate authority therefor.

Fourteen persons appeared at the hearing in support of the application. Four witnesses testified that they have utilized Bill's service over the proposed route and have found it satisfactory. They characterized the service as convenient and dependable, and testified that it constitutes their only alternative to private transportation. The remaining persons indicated that their testimony, if offered, would be similar to that just described.

DISCUSSION AND CONCLUSIONS

The Compact, Title II, Article XII, Section 4(b), provides that "... the Commission shall issue a certificate to any qualified applicant therefor, authorizing the whole or a part of the transportation covered by the application, if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Compact and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be in the public convenience and necessity; otherwise such certificate shall be denied." The Commission finds that applicant has satisfied the statutory criteria, and that, insofar as the proposed service between points in Prince George's County and the Research Laboratory is involved, the application should be granted.

The Commission finds that applicant is fit, willing and able to perform the proposed regular-route operation. Although Bill's financial condition is marginal, the record evidence indicates sufficient financial ability to conduct the proposed service. Significantly, Bill's would not need to acquire additional equipment and it proposes to generate additional income by conducting

intrastate charter operations. The Commission also finds that applicant would conform to the provisions of the Compact and the Commission's rules, regulations and requirements thereunder.

The testimony of the witnesses supporting Bill's application amply demonstrates that a grant of authority to conduct the proposed service is required by the public convenience and necessity. It is undisputed on this record that no other form of public transportation is now available to these witnesses. Accordingly, an appropriate certificate shall be issued.

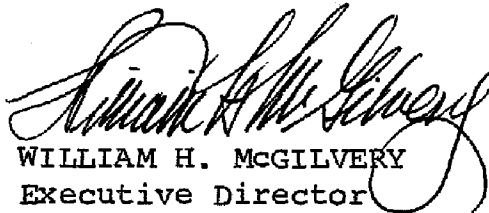
A further word is warranted concerning the equipment for this service. The Commission would prefer to see this type of operation conducted in over-the-road coaches. School buses do not provide seating which we consider to be completely adequate for adult passengers. School bus chassis are constructed for short haul operations, and most vehicles of this type use gasoline, rather than the cleaner burning diesel which fuels most coaches. Nevertheless, the alternative presented in this case -- putting 15 or 20 willing transit passengers back in their automobiles -- is far worse. Here the equipment is available, the applicant wants to provide service, and the riders are willing. The applicant has shown himself to be a reliable operator. The passengers seem satisfied with the bargain which provides them reliable service in a low capital investment vehicle at a rate that is more than reasonable. The Commission believes the public interest in this case warrants tolerance of the equipment.

The Compact also requires each carrier to "... file with the Commission, and keep open to public inspection, tariffs showing (1) all fares it charges for transportation subject to this Act, ... and (2) to the extent required by the regulations of the Commission, the regulations and practices of such carrier affecting such fares." See Compact, Title II, Article XII, Section 5(a). Applicant will be required to file an appropriate tariff.

THEREFORE, IT IS ORDERED:

1. That Application No. 898 of Bill's Bus Service, Inc., be, and it is hereby, granted in part and otherwise dismissed as specified herein.
2. That Certificate of Public Convenience and Necessity No. 37 be, and it is hereby, issued to Bill's Bus Service, Inc., as attached hereto and made a part hereof.
3. That Bill's Bus Service, Inc., be, and it is hereby, directed to file two copies of its WMATC Tariff No. 1 in accordance with the authority hereinbefore set forth, such tariff to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 37

BILL'S BUS SERVICE, INC.

CLINTON, MARYLAND

By Order No. 1629 of the Washington Metropolitan Area Transit Commission issued November 24, 1976;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 1629, served November 24, 1976;

THEREFORE, IT IS ORDERED that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

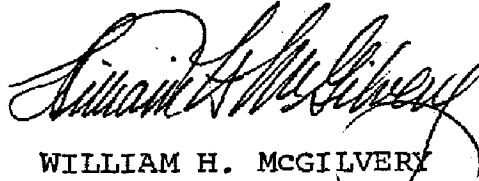
REGULAR ROUTES:

BETWEEN the Charles - Prince George's County line and the Naval Research Laboratory, 4555 Overlook Avenue, S. W., Washington, D. C.

From the Charles - Prince George's County line over Maryland Highway 225 to junction Maryland Highway 210, thence over Maryland Highway 210 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 295, thence over Interstate Highway 295 to the Naval Research Laboratory, and return over the same route, serving all intermediate points on Maryland Highways 225 and 210.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of the certificate.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director